

ALLEGED SHIPMENT: On or about June 8, 1950, and January 9, 1951, by Supreme First Aid Co., Inc., from New York, N. Y.

PRODUCT: 160 cartons, each containing 36 packages, of *adhesive bandages* at Philadelphia, Pa.

LABEL, IN PART: (Package) "Waterproof Supreme Six Bands Handy Adhesive Bands Sterilized."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Adhesive Absorbent Gauze [or "Adhesive Absorbent Compress"]," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and its quality and purity fell below the official standard since the article was not sterile.

Misbranding, Section 502 (a), the label designation "Sterilized" was false and misleading.

DISPOSITION: May 24, 1951. Default decree of condemnation and destruction.

3473. Adulteration and misbranding of oral and rectal thermometers. U. S. v. 21 Dozen * * * (and 1 other seizure action). (F. D. C. Nos. 30781, 30782. Sample Nos. 25319-L, 25320-L.)

LIBELS FILED: February 27, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 3 and 16, 1951, by Guardian Thermometer Co., Inc., from New York, N. Y.

PRODUCT: 21 dozen *oral thermometers* and 34 dozen *rectal thermometers* at Philadelphia, Pa.

Examination of 24 *oral thermometers* showed that 5 failed to meet the labeled standard of accuracy and that 9 failed to meet the CS1-32 requirement that the width of the engraved markings be less than the intervening spaces. Examination of 24 *rectal thermometers* showed that 3 failed to meet the labeled standard of accuracy; that 3 failed to meet the CS1-32 test for entrapped gas; and that 1 failed to meet the test for retreaters.

LABEL, IN PART: "Oral Clinical Thermometers" and "Globe Fever Thermometer Rectal."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the thermometers fell below that which they purported and were represented to possess.

Misbranding, Section 502 (a), the statements which appeared in the labeling of the thermometers were false and misleading as applied to articles which failed to comply with the following specifications: (Oral thermometer) "This Certifies that the enclosed thermometer bearing the above identification number has been tested on the above date at 98°, 102° and 106° F. and is correct within plus or minus 2/10 F. at any of these test points. This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1-32 Department of Commerce). The enclosed thermometer is guaranteed to be of absolute accuracy * * *"; (rectal thermometer) "This thermometer has been tested, found to comply with the requirements of the Department of Commerce Commercial Standard C. S. 1-32"; and (on leaflet accompanying rectal thermometers) "This is to Certify that Self-registering Clinical Thermometer 'GT' has been examined, tested and found to meet all requirements and tests specified in the 'Commercial Standard CS1-32 for Clinical Thermometers' used by the United States Department of Commerce. 'Three point' comparisons with clinical Standard Thermometer, certified by the Bureau of Standards, Washington, D. C., showed no

variations of reading in excess of negligible tolerances of one-fifth of a degree, plus or minus. The instrument—having been properly made and seasoned—is correct and should not change with age * * *.”

DISPOSITION: May 24, 1951. Default decrees of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3474. Misbranding of Braska tablets. U. S. v. 30 Dozen Bottles, etc. (F. D. C. No. 30861. Sample No. 32273-L.)

LIBEL FILED: March 26, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 5, 1951, by National Package Drugs, Inc., from St. Louis, Mo.

PRODUCT: 30 dozen bottles of *Braska tablets* at Alton, Ill., together with a number of display cartons and paper bags.

LABEL, IN PART: “Braska Tablets Each tablet contains * * * 1½ gr. Phenacetin, Manganese and Magnesium Salicylates, Salicylamide, Camphor Mono Bromated, Caffeine.”

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the display cartons and the paper bags reading “Arthritis,” contained statements which represented and suggested that the article was an adequate and effective remedy for arthritis. These statements were false and misleading since the article was not an adequate and effective remedy for arthritis.

DISPOSITION: April 18, 1951. Default decree of condemnation and destruction.

3475. Misbranding of Massengill powder. U. S. v. 1,365 Jars * * *. (F. D. C. No. 30934. Sample No. 12203-L.)

LIBEL FILED: April 20, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 12, 1950, and January 15, February 15, and March 16, 1951, by the S. E. Massengill Co., from Bristol, Tenn.-Va.

PRODUCT: 551 3-ounce jars, 563 6-ounce jars, and 251 1-pound jars of *Massengill powder* at Cincinnati, Ohio. Analysis showed that the product consisted essentially of boric acid, alum, and carbolic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement “It is suggested as an application for soft, spongy, and bleeding gums” contained in the circular entitled “Massengill Powder” enclosed with the article was false and misleading. The statement represented and suggested that the article was an adequate and effective treatment for pyorrhea, whereas it was not an adequate and effective treatment for pyorrhea.

Further misbranding, Section 502 (a), the following statements in the above-mentioned circular were false and misleading since the article was not effective for the purposes stated and implied: “* * * Deodorizing the vaginal secretions * * * Maintaining the normal acidity of the vaginal tract * * * Many medical authorities agree that such cleansing, two or three times a week, serves a useful purpose * * * for deodorizing * * * for helping to maintain normal vaginal acidity * * * For maintaining normal acidity of the genital tract. Most of the disease-producing organisms which may affect the vagina cannot survive when the medium in which they live becomes sufficiently acid. Nature attempts to keep the vagina

*See also Nos. 3467, 3469-3473.